



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8142

November 13, 2006

Mr. Raymond Ruminski, Health Services Director
Health Services Department
922 Bevins Court
Lakeport, California 95453-9739

Dear Mr. Raymond Ruminski:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of Lake County Environmental Health's Certified Unified Program Agency (CUPA) on October, 18 and 19, 2006. The evaluation was comprised of an in-office program review and field inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered Final and based upon review, I find that Lake County Environmental Health's program performance is unsatisfactory with improvement needed. To complete the evaluation process, please provide deficiency status reports to Cal/EPA every 90 days, detailing your progress toward correcting the identified deficiencies, using the optional format enclosed. The first status report is due on January 17, 2007.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure
Cc: See next page

Mr. Raymond Ruminski
November 13, 2006
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cc: Mr. Kenneth Williams, CUPA Manager (Sent Via Email)
County of Lake, Health Services Department
Division of Environmental Health

Ms. JoAnn Jaschke (Sent Via Email)
California Environmental Protection Agency

Mr. Sean Farrow (Sent Via Email)
State Water Resources Control Board

Mr. Tom Asoo (Sent Via Email)
Department of Toxic Substance Control

Mr. Francis Mateo (Sent Via Email)
Office of the State Fire Marshal

Mr. Jack Harrah (Sent Via Email)
Governor's Office of Emergency Services

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services

Mr. Mickey Pierce (Sent Via Email)
Department of Toxic Substance Control

Mr. Brian Abeel (Sent Via Email)
Governor's Office of Emergency Services

Deficiencies and Corrective Actions

1. **Deficiency:** The CUPA is not annually reviewing or summarizing their review of their Unified Inspection and Enforcement Plan.

CUPA Corrective Action: CUPA responds here

2. **Deficiency:** The CUPA is not remitting the state surcharge collected to the State.

CUPA Corrective Action: CUPA responds here

3. **Deficiency:** As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program.

CUPA Corrective Action: CUPA responds here

4. **Deficiency:** As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program.

CUPA Corrective Action: CUPA responds here

5. **Deficiency:** As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities.

CUPA Corrective Action: CUPA responds here

6. **Deficiency:** As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated.

CUPA Corrective Action: CUPA responds here

7. **Deficiency:** As noted in the 2005 CUPA evaluation, the CUPA is not ensuring that all businesses submit a Business Activities page.

CUPA Corrective Action: CUPA responds here

8. **Deficiency:** The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release.

CUPA Corrective Action: CUPA responds here

9. **Deficiency:** UST plot plans reviewed did not contain all the required elements or were missing.

CUPA Corrective Action: CUPA responds here

- 10. Deficiency:** With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies.

CUPA Corrective Action: CUPA responds here

- 11. Deficiency:** During the file review, Certification of Return to Compliance (RTC) for minor violations was not observed in the files, or re-inspection reports to confirm RTC was not observed in the files.

CUPA Corrective Action: CUPA responds here

- 12. Deficiency:** As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

CUPA Corrective Action: CUPA responds here



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION **SUMMARY OF FINDINGS**

CUPA: Lake County Environmental Health

Evaluation Date: October 18 and October 19, 2006

EVALUATION TEAM

Cal/EPA: JoAnn Jaschke and John Paine
SWRCB: Sean Farrow
OES: Jack Harrah
DTSC: Tom Asoo
OSFM: Francis Mateo

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not annually reviewing or summarizing their review of their Unified Inspection and Enforcement Plan. In addition the AEO process has not been incorporated into the plan. The CUPA identified this in their FY 05/06 self-audit, indicating that the plan has not been updated since 1996.</p> <p>Additionally, the plan has not been amended to include a discussion of how the CUPA will expend 5% of its hazardous waste related resources to the oversight of Universal Waste handlers and silver-only generators as well as identifying the inspection frequency for Conditionally Exempt Small Quantity Generators and farms.</p> <p>CCR, Title 27, Section 15200 and 15200(f)(3); HSC Chapter 6.5, Section 25201.4(c) and CUPA forum board position</p>	<p>By April 30, 2007, the CUPA will review and update their Inspection and Enforcement Plan, including the incorporation of the AEO process, a discussion of how the CUPA will expend 5% of its hazardous waste related resources to the oversight of Universal Waste handlers and silver-only generators, and identifying the inspection frequency for Conditionally Exempt Small Quantity Generators and farms.</p> <p>By September 30, 2007, the CUPA will summarize the review in their FY 06/07 Self-Audit.</p>
2	<p>The CUPA is not remitting the state surcharge collected to the State. According to the FY 04/05 annual single fee summary report, the CUPA</p>	<p>The CUPA will remit the FY 04/05 and 05/06 state surcharge to the State by</p>

Certified Unified Program Agency (CUPA)
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	<p>collected \$8,508.70 in state surcharges. According to the FY 05/06 annual single fee summary report, the CUPA collected \$8,232 in state surcharges. However, the State records indicate that these amounts were not submitted to the State.</p> <p>CCR, Title 27, Section 15210(c)</p>	<p>December 15, 2006.</p> <p>The CUPA will start remitting state surcharges, starting with the FY 06/07 and thereafter, 30 days after each fiscal quarter.</p>
3	<p>As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program. Efforts are ongoing to inventory all the population of agricultural handlers in the county. According to CUPA personnel, the Lake County Agricultural Commissioner's office is not interested in participating in the Business Plan program.</p> <p>HSC Chapter 6.95, Sections 25503.5(a)(1) and (c)(5)</p>	<p>On or before April 30, 2007, the CUPA will develop and continue implementing a plan, including a timeline, outlining how agricultural handlers will be evaluated, and, if necessary, brought into compliance with Business Plan program requirements.</p>
4	<p>As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program. In FY 04/05, the CUPA inspected 86 of 293 businesses. In FY 05/06, the CUPA inspected 53 of 303.</p> <p>HSC Chapter 6.95, Section 25508(b)</p>	<p>By January 30, 2007, the CUPA will develop and begin implementing a plan to ensure that each Business Plan program facility is inspected at least once every three years.</p>
5	<p>As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities. A mail-out informing these facilities of this requirement is currently in preparation.</p> <p>HSC Chapter 6.95, Section 25534</p>	<p>By April 30, 2007, the CUPA will develop and begin implementing a plan, including a timeline, for conducting preliminary risk determinations for these stationary sources.</p>
6	<p>As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated. The CUPA is now using the Unified Program consolidated form to update the inventory.</p> <p>HSC Chapter 6.95, Section 25509</p>	<p>Beginning immediately, the CUPA will insure that inventories, when submitted, capture all of the required information. No-change certifications should not be allowed if the forms on file do not contain all required information. By October 31, 2007, all inventories should be current and correct.</p>
7	<p>As noted in the 2005 CUPA evaluation, the CUPA is not ensuring that all businesses submit a Business</p>	<p>Beginning immediately, the CUPA will insure that all submitted inventories, as</p>

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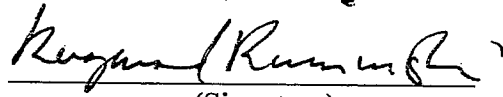
	<p>Activities page. The CUPA is now using the Unified Program consolidated form to update the activities page.</p> <p>CCR, Title 19, Section 2729.2(a)(1)</p>	<p>they are submitted, include a Business Activities page. Since this page is part of the inventory, no-change certifications should not be allowed if there is not a current Business Activities page on file. By October 31, 2007, all Business Plans should include a Business Activities page.</p>
8	<p>The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release. The CUPA is now using the boiler plate procedures that contain the instructions.</p> <p>CCR, Title 19, Section 2731(a)(2)</p>	<p>Beginning immediately, the CUPA will insure that all Business Plans, as they are submitted, contain this information in the emergency response plan. The CUPA should not accept a certification of review pursuant to H&SC 25505(c) if the emergency response plan on file does not contain this information. By October 31, 2009, all Business Plans should be complete and correct.</p>
9	<p>UST plot plans reviewed did not contain all the required elements or were missing. The monitory system information was missing.</p> <p>CCR, Title 23, Section 2711(a)(8) & Monitoring System Certification, Appendix 6 of Title 23</p>	<p>By October 31, 2007, the CUPA will ensure that all files are complete and updated as necessary.</p>
10	<p>With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies. The CUPA has made efforts to identify and register generators of hazardous waste at farms and businesses below the business plan threshold.</p> <p>CCR, Title 27, Sections 15200(b)(1) and 15200(f)(1)(C)</p>	<p>By January 30, 2007, the CUPA will develop and begin implementing a plan to ensure that each hazardous waste facility is inspected at least once every three years or by the frequency established in their Inspection and Enforcement Plan for farms and businesses below the business plan threshold.</p>
11	<p>During the file review, Certification of Return to Compliance (RTC) for minor violations was not observed in the files, or re-inspection reports to confirm RTC was not observed in the files. The CUPA has developed a RTC form. The following files did not have a certification or re-inspection to confirm RTC within 30 days of the violation: Kelseyville Auto Salvage, Tower Mart #163, Fast and Easy Mart, Pivinska Trucking, and numerous UST files.</p>	<p>By December 31, 2006, the CUPA will review the files of those businesses inspected in 2006 and determine if violations remain uncorrected and take appropriate actions as necessary.</p>

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	CCR, Title 23, Section 2712(e) & HSC Chapter 6.7, Section 25288(d) CCR, Title 27, Section 15200(f)(2)(C) and & HSC Chapter 6.5, Section 25187.8(g)(1)	
12	As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process. HSC Chapter 6.95, Section 25503.5(c)	By March 1, 2008, the CUPA will exempt heating fuel following the exemption process.

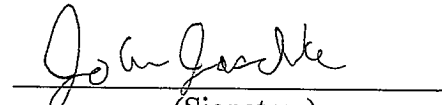
CUPA Representative

RAYMOND RUMINSKI
(Print Name)


(Signature)

Evaluation Team Leader

JOANN JASCHKE
(Print Name)


(Signature)

Certified Unified Program Agency (CUPA)
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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.

1. **Observation:** The FY 05/06 was focused on conducting a program evaluation, upgrading, and streamlining the CUPA program. The CUPA created a spreadsheet for tracking facility information – facility names, inspection dates, program element(s), and closed facilities. The CUPA also customized a return to compliance form as well as an inspection report form, with a check box section of all the program elements with in the Unified Program. Additionally, the CUPA created another inspection position to augment the workload while the CUPA manager was out on medical worker's composition for approximately 6 months and during his injury recovery period. The recently hired inspector is ICC certified and has previous CUPA program experience. The new inspector is also starting to meet with the Fire Districts quarterly to improve coordination with the first responders.
2. **Observation:** The CUPA is currently revising its Hazardous Materials Area Plan. The requirements of this plan are being incorporated into the Lake County All Hazards Plan.

Recommendation: The CUPA should ensure that a reporting form, equivalent to the optional model form contained in California Code of Regulations, Title, 19, Section 2720, is included. Additionally, if the plan is not finalized prior to the publication of the Title 19 amendments required by SB 391, the plan will have to include "pesticide drift" protocols.

3. **Observation:** The CUPA has completed and submitted that annual summary reports; however, some discrepancies exist as noted below. During the evaluation, the state evaluation team provided the CUPA with overview training on the information to include in the summary reports.

Recommendation: Cal/EPA recommends that the CUPA accurately report information in the following manner:

Annual Single Fee Summary Report (Report #2) – the CUPA should ensure that the state surcharge totals for the amount billed, waived, collected, remitted, and owed are provided.

Annual Inspection Summary Report (Report #3) – the CUPA identify the number of re-inspected conducted for each program, under column #5 (which is labeled # of other inspections). Other inspections are all inspections other than routine inspections. Additionally, the CUPA should accurately report the number of combined routine inspections in column 6 row K. Combined inspections are routine inspections where two or more Unified Program elements compliance inspections are conducted simultaneously at a facility.

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Annual Enforcement Summary Report (Report #4) – the CUPA should accurately report the number of facilities with violations by type of violations under each of the program elements (Hazardous Materials Release Response Plans, Cal/ARP, UST, Hazardous Waste Generators, etc.).

4. **Observation:** The County Environmental Crimes Task Force is no longer in existent for Lake County. As a result, the CUPA could not share with other agencies or organizations any significant environmental issues or crimes locally.

Recommendation: The CUPA should establish a multi agency task force or encourage related agencies to organize a similar task force to maintain environmental enforcement and decrease if not eliminate environmental crimes in Lake County.

5. **Observation:** CUPA conducts very thorough UST inspections. The CUPA checked sheer valves, fire extinguishers, and other elements while conducting the UST inspection. CUPA stated that he reports his findings to the corresponding agencies regarding his findings.
6. **Observation:** CUPA has a very complete checklist for conducting UST inspections. The only observation during the oversight inspection was that the Inspection form does not identify Significant Operational Compliance items or provide for a summary of these items for tracking purposes.

Recommendation: Provide a means for determining SOC compliance on the inspection checklist.

7. **Observation:** Noted violations on the inspection report could be more specific in identifying the violation. The specific citation should be included for each violation. Identifying the size, quantity, location, and type of hazardous waste is important in accurately describing the violation. Observations observed at the facility, such as, identifying the operations at the facility, recycling issues, waste streams generated, monthly quantities, and location of waste accumulation should be included in the inspection report.

Recommendation: By adding observations to your inspection reports, it gives an accurate picture of the types of activities going on at the facility. Having historical observations is valuable information for any future inspections or the development of potential enforcement cases where a pattern of neglect or recalcitrant violations are occurring. Having no observations and non-descriptive violations can only weaken enforcement cases.

8. **Observation:** The CUPA has improved their hazardous waste program by including the hazardous waste checklist as part of the inspection report they leave with the facility, identifying the classification of hazardous waste violations on the inspection report, and following up on hazardous waste complaints referred by DTSC.

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9. **Observation:** The CUPA has the use of a camera when conducting inspections.

Recommendation: On a more frequent basis, the CUPA should incorporate the taking photographs during facility inspections. It is helpful in showing the severity of a violation or the condition at the facility. Photographs can only strengthen enforcement cases.

10. **Observation:** The CUPA does not have access to DTSC's Hazardous Waste Tracking System (manifest system). The CUPA does not review manifesting information prior to conducting hazardous waste inspections.

Recommendation: The CUPA should enroll in the next available training class offered in their area so that CUPA staff can be trained and obtain access to the different manifest enforcement information.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has detailed policies and procedures for each individual program element - business plan, UST, AST, CalARP, and emergency response - with in the Unified Program. The business plan section covers procedures for the application review, inspections, and submitting original plan to fire districts. The UST section covers three main areas: install, removal, and closure. In particular, the install/upgrade subsection includes procedures for plan check, equipment review, approval of plan, inspection, final as well as good instructions/guidelines for providing to the businesses. The removal and closure subsection includes plan check, inspection (even specifies to take pictures), closure in place, sampling, as well as instructions/guidelines for providing to the businesses. The AST section includes application, inspections, issuing permits as well as instructions/guidelines for providing to the businesses.
2. The CUPA does an outstanding job of referring fire code and other non-Unified Program violations to the fire districts or the appropriate county agency for investigation and follow up. Additionally, the CUPA coordinates efforts with the building department, district attorney's office, as well as other departments.
3. The CUPA showed tremendous improvements in the program since the last evaluation even though the program manager was not able to work full time because of a disability and surgery. The CUPA recently hired a part-time person to work inspections and addressed the deficiencies.